IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition NO. 422 of 2005

1. Satish Prasad Semwal
   S/o Shri Kulanand Semwal
   R/o Village-Samil, P.O. Karnprayag
   District- Chamoli
2. Km. Sulochana
   D/o Shri Ranjeet Singh Negi
   R/o Village & P.O. Thalaband
   District Chamoli.
3. Ranbeer Singh
   S/o Shri Kunwar Singh Bisht
   R/o Village & P.O. Siwai
   District Chamoli ....Petitioners

Versus

1. Shri S.K. Maheshwari
   Director of Education (Basic)
   Dehradun.
2. D.K. Kotiya
   Education Secretary
   State of Uttaranchal, Dehradun ....Respondents.

Shri M.S. Chauhan, Advocate for the petitioners.
Shri N.B. Tewari, Additional Advocate General for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

2. This contempt petition has been moved, complaining the disobedience of this Court's order dated 14.09.2005 passed in writ petition No. 1678 (S/S) of 2003, whereby it was directed that the Director Education (Basic), Uttaranchal, shall decide the joint

representation of the petitioner within a period of one month regarding taking their services for teaching the students in the age group of 6 to 14 under the scheme of Shiksha Mitra. Notices were issued to the respondents and respondent No. 1 Shri S.K. Maheshwari, Director of Education (Basic) has filed his short counter affidavit, wherein it has been stated that the order complained has already been complied with. Annexure S. C.A. 1 to the counter affidavit has been filed which is a copy of order dated 31.12.2005, whereby a joint representation of the petitioners is rejected with a detailed order giving reasons there for. The copy of said order has also been endorsed to the petitioners, as required under the orders of this Court. By said order dated 31.12.1005, respondent No. 1 has rejected the representation of the petitioners on the ground that they do not fulfill the conditions, required under Government Orders, for their appointment as Shiksha Mitra. There is no direction of this Court that appointment of the petitioners be made in violation of the Government Orders.

3. In the circumstances, this Court is of the opinion that it cannot be said that the respondents have committed any wilfull disobedience on their part, as they have considered the case of the petitioners. This Court is of the view that the petitioners if aggrieved by order dated 31.12.2005, may challenge the same through the remedy available to them. But in the contempt proceedings, this Court do not see any reason

to come to the conclusion that the respondents committed wilfull disobedience of the court's order dated 14.09.2005.

4. Therefore, the contempt petition is dismissed with the observation that the petitioners may seek remedy, if available to them against the order dated 31.12.1005. Notices issued against the respondents are discharged.

(Prafulla C. Pant,J.)

Dt:24.08.2006
Sweta